

# **TOWN OF DAVIE**

## **TOWN COUNCIL AGENDA REPORT**

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Mark Kutney, AICP, Development Services Director/(954) 797-1101  
Prepared by Todd Vargo, Planner I

**SUBJECT:** Resolution  
DG 3-2-03 Main Street Plat, 5501 South University Drive/ Generally located approximately 1300 feet north of Stirling Road on the west side of University Drive.

**AFFECTED DISTRICT:** District 2

### **TITLE OF AGENDA ITEM:**

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE OF THE "MAIN STREET PLAT", AND PROVIDING AN EFFECTIVE DATE.

**REPORT IN BRIEF:** Petitioner is requesting to amend the restrictive note on the "Main Street Plat" from "This plat is restricted to 114,484 square feet of commercial use and 31,628 square feet of office use" to "This plat is restricted to 135,000 square feet of commercial use and 5,000 square feet of bank use."

The petitioner is requesting this change in order to coincide with the current development on the site as well as to accommodate a proposed free standing bank building on an outparcel.

Staff finds that the proposed amendment is consistent with the existing and proposed use of the subject site.

**PREVIOUS ACTIONS:** None

**CONCURRENCES:** None

**FISCAL IMPACT:** None

**RECOMMENDATION:** Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration.

**Attachments:** Resolution, Planning Report, Plat, Future Land Use Map, Subject Site, Zoning and Aerial Map

RESOLUTION \_\_\_\_\_

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING AN AMENDMENT TO THE RESTRICTIVE NOTE OF THE "MAIN STREET PLAT", AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the boundary plat known as the Main Street Plat was recorded in the public records of Broward County in Plat Book 128, Page 44; and

WHEREAS, the owners desire to revise the restrictive note associated with said plat; and

WHEREAS, Broward County requires that the Town of Davie concur with this revision prior to a review of the proposed revision by Broward County Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The Town Council of the Town of Davie does hereby approve of the proposed revision to the restrictive note shown on the Main Street Plat. The proposed revision being specifically described on the planning report attached hereto as Exhibit "A".

SECTION 2. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2003.

\_\_\_\_\_  
MAYOR/COUNCILMEMBER

ATTEST:

\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2003.

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**TOWN OF DAVIE**  
**Development Services Department**  
**Planning & Zoning Division Staff**  
**Report and Recommendation**

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**APPLICANT INFORMATION**

|                      |                                |                      |                                |
|----------------------|--------------------------------|----------------------|--------------------------------|
| <b><u>Owner:</u></b> |                                | <b><u>Agent:</u></b> |                                |
| <b>Name:</b>         | G.P. Davie, Ltd.               | <b>Name:</b>         | John D. Voight                 |
| <b>Address:</b>      | 1645 SE Third Court, Suite 200 | <b>Address:</b>      | 1177 SE 3 <sup>rd</sup> Avenue |
| <b>City:</b>         | Deerfield Beach, FL 33441      | <b>City:</b>         | Fort Lauderdale, FL 33316      |
| <b>Phone:</b>        | (954) 420-1001                 | <b>Phone:</b>        | (954) 762-3400                 |

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**BACKGROUND INFORMATION**

**Application History:** No deferrals have been requested.

**Application Request:** Petitioner is requesting to amend the restrictive note on "Main Street Plat" from "This plat is restricted to 114,484 square feet of commercial use and 31,628 square feet of office use" to "This plat is restricted to 135,000 square feet of commercial use and 5,000 square feet of bank use."

**Address/Location:** 5501 South University Drive / Generally located approximately 1300 feet north of Stirling Road on the west side of University Drive.

**Future Land Use Plan Designation:** Commercial

**Zoning:** B-2, Community Business District

**Existing Use:** Shopping plaza

**Proposed Use:** 135,000 square feet of commercial use and 5,000 square feet of bank use.

**Parcel Size:** 16.254 acres (668,414 square feet)

**Surrounding Uses:**  
**North:** Commercial (University Dodge)  
**South:** Commercial (Home Depot)  
**East:** Vacant  
**West:** Vacant

**Land Use Plan Designation:**  
Commercial  
Commercial  
Commerce/Office  
Commercial

**Surrounding Zoning:**

**North:** B-3, Planned Business Center District  
**South:** B-2, Community Business District  
**East:** CC, Commerce Center District  
**West:** B-1, Neighborhood Business District

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**ZONING HISTORY**

**Related Zoning History:** None

**Previous Request on same property:** On May 1, 1985 Town Council approved R-85-079 approving a boundary plat known as the Main Street Plat (P 3-4-85). The plat was recorded in Plat Book 128, Page 44 of the Broward County Records.

A Delegation Request (DG 8-1-00) to amend the plat note restriction from “114, 484 square feet of commercial use and 31,628 square feet of office use” to “138,484 square feet of commercial use and 31,628 square feet of office use.” The request was passed by Town Council by R-2000-221 on September 20, 2000.

A site plan for the Davie Square Shopping Center (SP 2-3-00) to be located on the Main Street Plat was approved by Town Council on November 15, 2000.

On June 20, 2001, Town Council approved DG 5-1-01 a delegation request to amend the ingress/egress easement of the Main Street Plat by passing R-2001-176.

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**APPLICATION DETAILS**

Petitioner is requesting to amend the restrictive note on the “Main Street Plat.” The applicant plans to add a free standing bank building as an outparcel on the plat.

**Current Plat Note:** This plat is restricted to 114,484 square feet of commercial use and 31,628 square feet of office use.

**Proposed Plat Note:** This plat is restricted to 135,000 square feet of commercial use and 5,000 square feet of bank use.

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**Applicable Codes and Ordinances**

The effective code of ordinances governing this project is the Town of Davie Land Development Code.

The Broward County Land Development Code requires Delegation Requests for plat note revisions.

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## Significant Development Review Agency Comments

Broward County Development Management Division is the County lead agency in assessing the impact of development through the plat and/or delegation request process. Broward County requires that the petitioner request to amend or revise the level of approved development on the plat. Such requests must be approved by the local municipality and County Commission, and then subsequently recorded against the plat. As part of the delegation request process, the property would be reviewed for traffic concurrency and assessed any additional traffic impact fees, or mitigation measures, as applicable.

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## Comprehensive Plan Considerations

**Planning Area:** The subject property falls within Planning Area 10. This Planning Area is generally located north of Stirling Road, south of Griffin Road, east of Pine Island Road, and west of SW 76 Avenue. Pine Island Road, a major north/south arterial, on the western limits of this planning area provides through access from Griffin Road to Stirling Road. Commercial development of retail centers and office buildings line the University Drive corridor. The east side of this corridor is predominantly small-scale commercial development, with multi-family residential development (one existing, one proposed) and plant nurseries on the northern half of the corridor, and commerce park development and cattle grazing on commerce park-zoned lands on the southern half. Commercial development also exists along Griffin Road within this planning area. Several small-scale single-family residential communities, two trailer parks totaling approximately 30 acres in area, and an 8 acre industrial park are located within this planning area, together with six parcels zoned for community facilities uses. These include, but are not limited to, a regional library, multiple church uses varying scales, a girl scout campground facility, and a private school.

**Broward County Land Use Plan:** The subject site falls within Flexibility Zone 102.

**Broward County Land Development Code:** The Broward County Land Development Code requires that any changes or waivers to requirements of development permit applications be reviewed and approved or disapproved by the municipality with final approval by Broward County Commission.

**Applicable Goals, Objectives & Policies:** The proposed plat is generally consistent with the goals, objectives and policies of the Comprehensive Plan.

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## Staff Analysis/Findings of Fact

The purpose of the request is to amend the restrictive note to reflect the current level of development and accommodate future development. This request would delete the 31,628 square feet of office use, which did not develop as planned, from the plat note. The plat note change will also accommodate a future 5,000 square foot free standing bank building with a drive-thru.

This amendment will increase trips to the regional road network. The applicant is aware of this and will be addressing the issue with Broward County. Approval of this request is subject to sufficient capacity of the regional road network as determined by Broward County. In the event sufficient capacity is not met, the delegation request shall be deemed denied by the Town of Davie.

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### **Staff Recommendation**

**Recommendation:** Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration.

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### **Exhibits**

1. Justification letter
2. Plat
3. Future Land Use Map
4. Subject Site, Zoning and Aerial Map

Prepared by: \_\_\_\_\_

Reviewed by: \_\_\_\_\_

JUSTIFICATION  
FOR MAIN STREET PLAT NOTE AMENDMENT APPLICATION

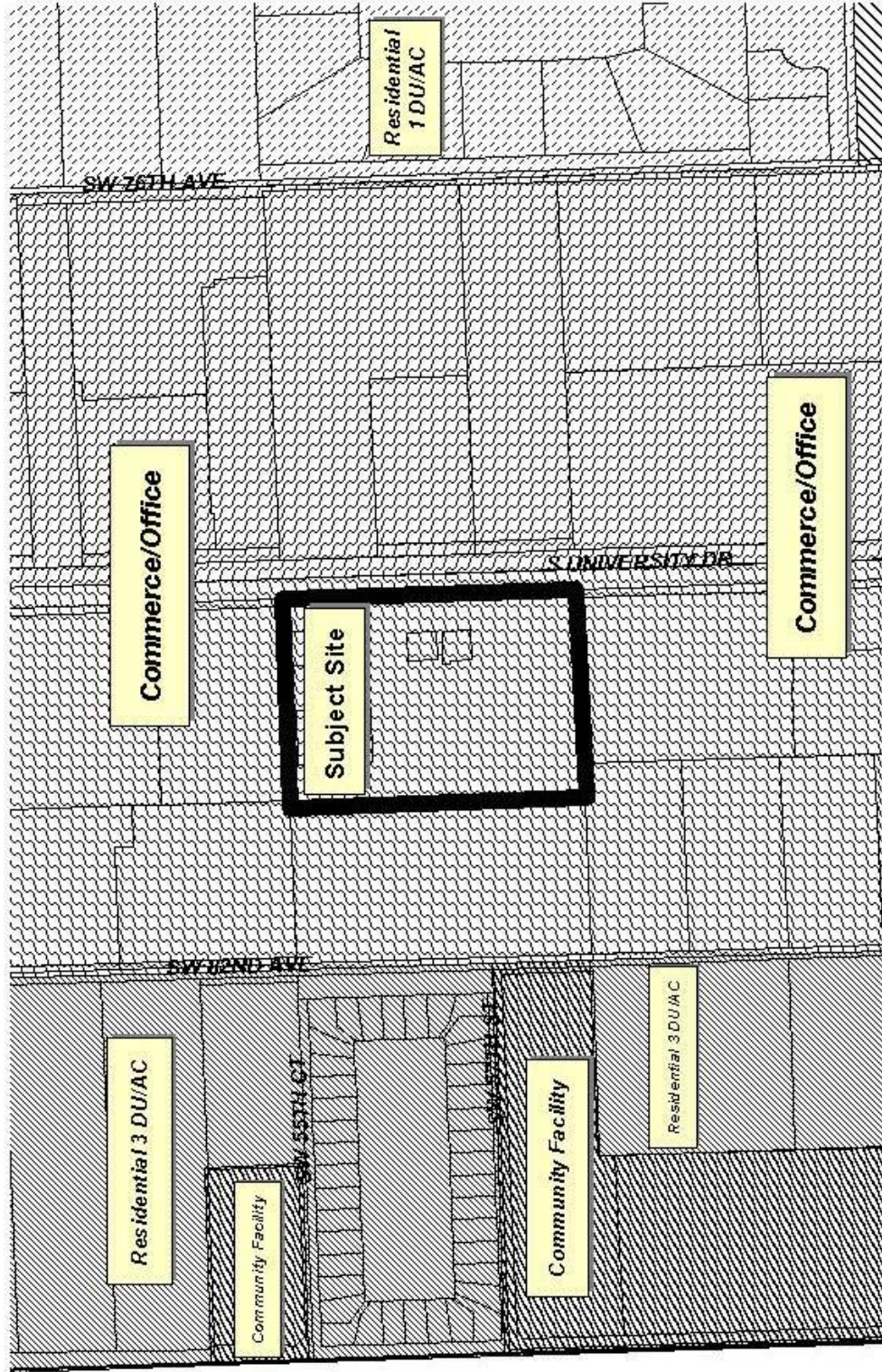
This is an L-shaped shopping center with two free standing outparcels. The applicant is seeking to add a free standing bank as a third outparcel and to modify the existing note to conform with the center as built. Although the as built center does not exceed either the commercial limitation or office limitation, the Broward County interpretation is that all square footage must be considered as commercial since the commercial and office uses are mixed throughout the center. In addition, the calculations have been added to include awnings and overhangs which are calculated by Broward County to be commercial square footage. When all office square footage is converted to a commercial rate the new calculations indicate a total of 133,186 square feet which have actually been built at the center. The applicant is requesting a plat note amendment to reflect 135,000 square feet in an abundance of caution in the event that any calculation is slightly off or that the method for calculating square footage may change in the future.

There is no actual new addition to the existing shopping center with the exception of the proposed free standing bank building, which includes a drive-thru.

The proposed amendment does represent an increase in vehicular trips which will be addressed with the county so that all road concurrency issues are satisfied. The proposed change does not represent any change in land use.

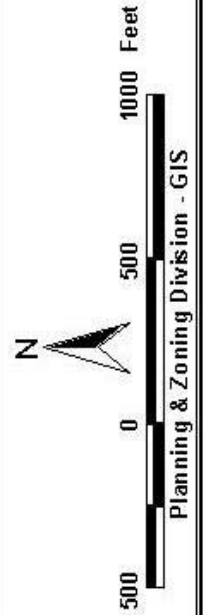






# Delegation Request DG 3-2-03 Future Land Use Map

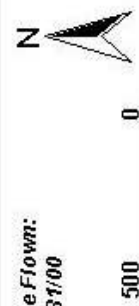
Date Prepared: 3/21/03  
 Prepared By: TAV







Date Flown:  
12/31/00



Planning & Zoning Division - GIS



**DELEGATION REQUEST**  
**DG 3-2-03**  
**Subject Site, Zoning and Aerial Map**  
Date Prepared: 3/21/03  
Prepared By: TAV